



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Thomas Zielinski, R.Ph.
Sheila Kitzman, R.Ph.
North Park Prescription Pharmacy, Inc.
7924 North Second Street
Machesney Park, IL 61115

MAY 27 2016

RE: MUR 6804

Dear Mr. Zielinski and Ms. Kitzman:

On April 8, 2014, the Federal Election Commission notified you a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act"). On May 26, 2016, the Commission found that there is no reason to believe that North Park Prescription Pharmacy, Inc. violated the Act and Commission regulations. Accordingly, the Commission closed the file in this matter on May 26, 2016.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

If you have any questions, please contact Ruth Heilizer, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Daniel A. Petalas
Acting General Counsel

A handwritten signature in black ink, appearing to read "Jeff S. Jordan", is written over a rectangular stamp area.

BY: Jeff S. Jordan
Assistant General Counsel
Complaints Examination and
Legal Administration

Enclosure:
Factual and Legal Analysis

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: North Park Prescription Pharmacy, Inc.

MUR 6804

I. INTRODUCTION

This matter was generated by a Complaint filed by Maximilian Halm ("Complainant") on April 4, 2014, alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations by Respondent North Park Prescription Pharmacy, Inc. ("North Park Pharmacy"). It was scored as a relatively low-rated matter under the Enforcement Priority System, a system by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

II. FACTUAL AND LEGAL ANALYSIS

According to the Complainant, Olsen¹ announced his candidacy for Congress on August 16, 2013, filed his Statement of Candidacy with the Commission on September 3, 2013, and "actively campaigned" for office thereafter. Compl. at 1. Specifically, the Complainant alleges that Olsen held four fundraisers in early 2014 and that the Committee made expenditures for travel, campaign materials including yard signs and flyers, advertising space on North Park Pharmacy prescription bags, and a campaign website. *Id.* at 1-2.

Similarly, the Complainant alleges that the Committee purchased advertising space on North Park Pharmacy prescription bags that lacked disclaimers. *Id.* Alternatively, to the extent that the Committee did not pay for its advertisements on the prescription bags, the Complaint

¹ Olsen was a 2014 candidate for Congress from Illinois's 16th Congressional District. He was defeated in the general election.

1 alleges that the Committee failed to report the advertising space as an in-kind contribution from
2 North Park Pharmacy. *Id.*

3 North Park Pharmacy states in its Response that the pharmacy bags were provided, at no
4 charge, by a separate entity—Rx Express Marketing—and that it had “removed from circulation”
5 all of the bags in question and instructed Rx Express Marketing to destroy all bags that remained.

6 North Park Pharmacy Resp. at 1. North Park Pharmacy denies any affiliation with “any of the
7 advertisers (on the bags) including Randall Olson (*sic*).” *Id.*

8 Public communications that are authorized and paid for by a candidate’s political
9 committee must contain appropriate disclaimers. 52 U.S.C. § 30120(a)(1); *see also* 11 C.F.R.
10 §§ 110.11(a)(1), (b)(1). Under the Act, a “public communication” includes an “outdoor
11 advertising facility” and “any other form of general public political advertising.” 52 U.S.C.
12 § 30101(22); *see also* 11 C.F.R. § 100.26. Such communications, if printed, are required to
13 include a written disclaimer that is included in a printed box, stating that the committee paid for
14 the communications in question. 52 U.S.C. § 30120(c); *see also* 11 C.F.R. § 110.11(c).

15 The Committee admits to failing to include disclaimers on some of its public
16 communications. Accordingly, the Commission finds no reason to believe that North Park
17 Prescription Pharmacy, Inc. violated the Act and Commission regulations.